

## **REMARKS**

### **INTRODUCTION**

Claims 1-11 were previously and are currently pending and under consideration.

Claims 1-11 are rejected.

Claims 1, 6, and 9 are amended herein.

Claim 12 is withdrawn.

No new matter is being presented, and approval and entry are respectfully requested.

### **INTERVIEW SUMMARY**

Applicant thanks the Examiner for the Interview of September 23, 2004. At the Interview there was discussion about an aspect of the invention that relates to managing related documents that form an integral document hierarchy providing advantages when diverse users must commonly work on documents or files that are part of a master document. The Examiner explained different possible interpretations of features in the claims. For example, it was suggested that the upper document and lower document of claim 1 could be clarified as being separate and distinct different document files. The Examiner also suggested that a document could be broadly interpreted as a group of other files or documents. Finally, it was agreed that the present changes clarifying the upper and lower layers would allow the Examiner to give further weight and consideration to the layers recited in the claims.

Following are additional remarks not directly related to the Interview.

### **INCOMPLETE REJECTION; NEW OFFICE ACTION REQUESTED**

#### **ALL OF APPLICANT'S ARGUMENTS HAVE NOT BEEN ANSWERED**

In the Amendment filed February 27, 2004, the Applicant included an argument at page 8 ("SERBINIS DOES NOT DISCLOSE RETRIEVING TOGETHER ..."). As discussed in the section below, the current Office Action does not address this feature or argument. In response



to Applicant's February 27 Amendment, the Examiner has only replaced the Royappa reference with Usdin. The Examiner's "Response to Arguments" at page 8 of the Office Action does not address the Applicant's argument regarding a distinction over Serbinis.

MPEP § 707.07(f) states that although an "[a]pplicaa boy in New York at that granted asnt 's arguments with respect to [claims] have been considered ... moot in view of the new ground(s) of rejection ... "[t]he examiner must, however, address any arguments presented by the applicant which are still relevant to any references being applied." Applicant's argument regarding Serbinis, which is still cited, is still relevant and yet Applicant has not received a required answer to the argument.

A new Office Action either withdrawing the rejection or answering the argument mentioned above is respectfully requested.

See also MPEP § 707.07(f), which notes that "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it" (MPEP § 707.07(f)). MPEP § 706.07 states that "[t]he applicant ... should receive the cooperation of the examiner ... and not be prematurely cut off in the prosecution of his or her application. ... a clear issue between applicant and examiner should be developed, if possible, before appeal." Applicant cannot decide how to proceed until clear issues have been developed.

#### ALL LIMITATIONS OF CLAIMS HAVE NOT BEEN CONSIDERED

According to MPEP § 2144.08, "[w]hen evaluating the scope of a claim, every limitation in the claim must be considered." Claim 1, for example, recites "a client connected ... to said server and retrieves together, based on the management information ... both the document in the upper layer and the document in the lower layer". The rejection does not address this feature. The rejection's analysis of claim 1 at page 4, and in particular line 11, compares Serbinis to "client ... and retrieves, based on the management information ...". The rejection does not discuss where Serbinis or any other prior art reference discloses retrieving two documents together based on management information that defines the hierarchy to which the retrieved-together documents belong.



Applicant respectfully requests a new Office Action either withdrawing the rejection or explaining where this feature is taught in the prior art and why it would have been obvious.

### **REJECTIONS UNDER 35 USC § 103**

In the Office Action, at pages 3-6, claims 1-2 and 5-11 were rejected under 35 U.S.C. § 103 as being unpatentable over Serbinis in view of Usdin. At pages 6-8, claims 3-4 were rejected under 35 U.S.C. § 103 as being unpatentable over Serbinis in view of Usdin and further in view of Hashimoto. These rejections are traversed and reconsideration is requested.

#### **USDIN DOES NOT DISCLOSE AN XML FILE DEFINING THE HIERARCHICAL STRUCTURE BY INDICATING A RELATION BETWEEN A DOCUMENT IN THE UPPER LAYER AND A DOCUMENT IN THE LOWER LAYER**

The rejection cites Usdin as teaching "an XML file defining the hierarchical structure by indicating relation between a document in the upper layer and a document in the lower layer ... a document type definition file [etc.]". More specifically, the rejection compares this feature to the fact that "XML assumes that data are hierarchical a structured... which consist of name 'root' element which begins at the beginning of the document... the hierarchical structure is fairly obvious in text documents... A section starts... the same level... a section... subsections; page 126". The comparison is incorrect because Usdin only teaches hierarchical structure within a document. In contrast, claim 1 has an XML file which defines a hierarchy of different distinct document files. Hierarchical structuring of XML elements within a document (Serbinis) is not the same as defining a hierarchy of documents using a different XML file. In other words, the hierarchical structure in claim 1 is a hierarchy of the recited *documents files* (a hierarchically related group of files), whereas the hierarchy described in Usdin is only a hierarchy of XML elements within a single document or file (XML-tagged sections, subsections, etc.), where the hierarchy starts at a root XML element in the document. It is well known that an XML root element is contained within one file and has within it other XML elements according to an XML definition file (e.g. schema, DDT) that defines legitimate elements.

Furthermore, as discussed above, both cited references are silent about using the XML file defining the hierarchy to retrieve together (for a client) two documents in the hierarchy.



Withdrawal of the rejection is respectfully requested.

The addition of Usdin is based on the incomplete consideration of the hierarchy defining role of the XML file recited in the claims. Based on the explanation of the XML file discussed above, it is clear that modifying Serbinis with Usdin to have Serbinis store XML-structured documents as its managed documents does not meet the recited features of the present claims.

#### REJECTION DOES NOT CONSIDER CLAIMS AS A WHOLE

The rejection incorrectly compares the present XML file to an ordinary single XML-structured document (having a root element and its child elements) because the claims have not been considered as a whole. According to MPEP § 2141.01, the claimed invention must be considered as a whole, and according to § 2141.02, obviousness is a question of "whether the claimed invention as a whole would have been obvious." Finally, MPEP § 2144.08 states that "[o]ffice personnel should first analyze the claims as a whole ... the claimed invention may not be dissected into discrete elements to be analyzed in isolation, but must be considered as a whole."

The present claims recite a feature of an XML file that defines a hierarchy of document files. The current rejection compares the present XML file's defined hierarchy to the hierarchy of elements in a single XML file. However, if the present XML file is considered in relation to the whole of, for example, claim 1, then it can be seen that as a whole the XML file is also characterized by defining a hierarchy of documents that are in a document database by indicating a relation between documents in different layers in the hierarchy, and the XML file is used as a basis for retrieving together documents in the hierarchy. Usdin and Serbinis, either individually or in combined, do not disclose the features found in the claims as a whole.

Withdrawal of the rejection is respectfully requested.

#### DEPENDENT CLAIMS

The dependent claims are deemed patentable due at least to their dependence from allowable independent claims. These claims are also patentable due to their recitation of independently distinguishing features. For example, claim 2 recites that "the management information includes information indicating a collection of a plurality of documents in a same



layer and each version number of the plurality of documents, and said client retrieves, based on the management information, by accessing from said server the collection of the plurality of documents in the same layer, the documents retrieved each having a specified version number, from the document database". In other words, the management information (XML file) allows a collection of its documents *in a same layer* to be retrieved. This feature is not taught or suggested by the prior art. Withdrawal of the rejection of the dependent claims is respectfully requested.

## CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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